

SCF

**M11-904**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 8, U.S.C.,  
§§ 1326(a) and  
1326(b)(2))

EDWARD SAIDEN VIDAL,  
also known as  
"Osvaldo Diaz Rivera,"  
"Edwin Vidal," and  
"Edward Vidal,"

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

MATTHEW LEW, being duly sworn, deposes and states that he is a Deportation Officer with the Department of Homeland Security, duly appointed according to law and acting as such.

On or about August 6, 2011, within the Eastern District of New York and elsewhere, the defendant EDWARD SAIDEN VIDAL, also known as "Osvaldo Diaz Rivera," "Edwin Vidal," and "Edward Vidal," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States without the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Sections 1326(a) and  
1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I am a Deportation Officer with the Department of Homeland Security and have been involved in the investigation of cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of investigative files, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about August 6, 2011, the defendant EDWARD SAIDEN VIDAL, also known as "Osvaldo Diaz Rivera," "Edwin Vidal," and "Edward Vidal," was arrested by officers from the New York City Police Department's 115<sup>th</sup> Precinct, under the name "Osvaldo Diaz Rivera," and charged with, among other things, Grand Larceny in the Fourth Degree in violation of New York Penal Law section 155.30(8).

3. Officer from Immigrations and Customs Enforcement ("ICE") were subsequently notified of the defendant's presence in the United States, and subsequently determined that the

---

<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

defendant, a citizen of the Dominican Republic, had been previously removed from the United States on March 10, 2009.


4. ICE officials further determined, based on a criminal history report, that on or about April 6, 2006, the defendant was convicted under the name "Edwin Vidal," of Attempted Gang Assault in the Second Degree in violation of New York Penal Law 120.06, an aggravated felony offense.

5. According to ICE records, the defendant, a citizen of the Dominican Republic, was subsequently removed from the United States on March 10, 2009, pursuant to an Order of Removal dated, January 20, 2009.

6. The fingerprints taken in connection with the defendant's arrest on August 6, 2011, have been entered into the Integrated Automated Fingerprint Index System. Those fingerprints have been found to match the fingerprints taken in connection with the defendant's April 6, 2006, assault conviction, and his March 10, 2009 removal from the United States.

7. A search of ICE records has revealed that there exists no request by the defendant for permission from the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, to reapply for admission to reenter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant EDWARD SAIDEN VIDAL, also known as "Osvaldo Diaz Rivera," "Edwin Vidal," and "Edward Vidal," be dealt with according to law.



---

Matthew Lew  
Deportation Officer  
Department of Homeland Security

Sworn to before me this  
8<sup>th</sup> day of September, 2011

---

HONORABLE ROANNE L. MANN  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK